

AN ORDINANCE BY

08-0-08-0-2435



AN ORDINANCE TO WAIVE ARTICLE X, SECTION 2-1188(11) OF THE CITY OF ATLANTA REAL ESTATE AND PROCUREMENT CODE TO ALLOW THE CHIEF PROCUREMENT OFFICER TO NEGOTIATE THE ADJUSTMENT OF THE BID PRICE, CHANGES IN THE BID REQUIREMENTS AND SCOPE OF WORK WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE PROJECT NUMBERED FC-4670, CONTRACT FOR SEWER GROUP TWO REHABILITATION PHASE I-PIPE BURSTING, CONTRACT C, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO THE EXTENT THAT SECTION 2-1188(11) CONFLICTS WITH STATE LAW, O.C.G.A. SECTION 36-91-21(b)(4); TO AUTHORIZE THE CHIEF PROCUREMENT OFFICER TO NEGOTIATE WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR FC-4670; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did advertise for FC-4670, Contract for Sewer Group Two Rehabilitation Phase I-Pipe Bursting, Contract C ("Project"), on behalf of the Department of Watershed Management; and

WHEREAS, the bid from the lowest responsive and responsive bidder for the Project, Rockdale Pipeline, Inc./Integral Municipal Services Corp., JV included an amount higher than the budget included for the project; and

WHEREAS, O.C.G.A. Section 36-91-21, allows a governmental entity to negotiate with the lowest responsive and responsible bidder if the bid from the apparent low bidder exceeds the project budget; and

WHEREAS, Section 2-1188(11) of the City's Real Estate and Procurement Code authorizes the Chief Procurement Officer to negotiate with the lowest responsive and responsible bidder if, among other things, the bids exceed available funds and the most responsive and responsible bid does not exceed more than five percent more than the available funds; and

WHEREAS, the most responsive and responsible bid exceeded the budgeted amount for the project by 7.18% and it is in the City's best interests to negotiate the bid for the Project in accordance with O.C.G.A. Section 36-91-21(b)(4), which requires waiving the 5% limitation in Section 2-1188(11);

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend negotiating with the most responsive and responsible bidder for the Project in accordance with O.C.G.A. Section 36-91-21(b)(4) to

realize cost savings to the City and attempt to secure the contract within budgeted and available funds.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

Section 1: The Chief Procurement Officer is hereby authorized to negotiate FC-4670, Contract for Sewer Group Two Rehabilitation Phase I-Pipe Bursting, Contract C in accordance with O.C.G.A. Section 36-91-21(b)(4).

Section 2: Section 2-1188(11) is hereby waived to the extent that provisions contained therein are in conflict with O.C.G.A. 36-91-21(b)(4).